

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NORTHWEST ENVIRONMENTAL
ADVOCATES, an Oregon non-profit
corporation,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, THE NATIONAL
OCEANIC AND ATMOSPHERIC
ADMINISTRATION, and THE UNITED
STATES ENVIRONMENTAL
PROTECTION AGENCY, agencies of
the United States of America

Defendants,

and

STATE OF WASHINGTON,

Defendant-Intervenor.

NO. 2:16-cv-01866-JCC

DECLARATION OF BRIAN
LYNN IN SUPPORT OF STATE
OF WASHINGTON'S RESPONSE
TO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT ON CLAIMS TWO
AND THREE AND CROSS-
MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
CLAIMS TWO AND THREE

I, Brian Lynn, declare under penalty of perjury under the laws of the state of
Washington that the following is true and correct.

1. I am now and at all times mentioned a citizen of the United States and a resident
of the state of Washington, over the age of 18 years, competent to make this declaration, and
make this declaration from my own personal knowledge and judgment.

1 2. I am employed by the Washington Department of Ecology as the
2 Coastal/Shorelands Section Manager with the Shorelands and Environmental Assistance
3 Program. I have been in this position for 17 years.

4 3. As part of my duties for the Department of Ecology, I am responsible for
5 overseeing the administration of the state's federally approved Coastal Zone Management
6 Program.

7 4. Washington's Coastal Zone Management Program works with cities and
8 counties, federal agencies, Tribes, and stakeholders in Puget Sound and along the Pacific Coast
9 to preserve and protect coastal resources. Washington's Coastal Zone Management Program
10 applies to all the lands and waters in the 15 coastal counties (3,300 miles of shoreline and 133
11 local governments), and extends seaward three nautical miles into the ocean. While federal and
12 tribal lands are excluded, Ecology partners closely with management agencies and Tribes to
13 ensure efforts are coordinated.

14 5. Between 2011 and 2017, Ecology received \$14,069,500 in section 306 Coastal
15 Zone Management Act (CZMA) funds. Ecology matched these funds 100% with state funds,
16 so Ecology awarded a total of \$28,139,000 for important coastal management work between
17 2011 and 2017. These funds have already been spent on important coastal management work in
18 Washington. This work includes partnering with 133 cities and counties within Washington's
19 coastal zone to comprehensively update and implement their shoreline regulations (99
20 comprehensive updates completed between 2011–2017); acquiring, protecting, and restoring
21 natural resources and important habitats at 31 individual projects that acquired and/or restored
22 8,129 acres of coastal wetland habitat; and partnering with federal agencies, state resource
23 agencies, and local governments to develop and implement wetland mitigation programs that
24 restore and protect coastal habitats to attain no net loss of wetland function and area.

25 6. The CZMA section 306 funds Ecology received from NOAA between 2011 and
26 2017 have already been spent. If Ecology is required to return some or all of the CZMA funds

1 received between 2011 and 2017, Ecology would have to obtain a legislative appropriation. If
2 this was unsuccessful, Ecology would likely be forced to repay the funds with money the
3 agency would otherwise use to fund projects to preserve and protect Washington's coastal
4 resources. As a consequence, Washington's coastal resources would receive less environmental
5 protection.

6 7. If the Court directs NOAA to withhold 30% of any CZMA section 306 funds
7 NOAA awards to Washington in 2018, Ecology will be required to eliminate six staff positions
8 that work closely with citizens, local governments, tribes, and others to preserve and protect
9 Washington's coastal resources. The elimination of six staff positions would reduce Ecology's
10 ability to preserve and protect Washington's coastal resources.

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12 DATED this 11th day of May, 2018, at Lacey, Washington.

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15 BRIAN LYNN
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Western District of Washington by using the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 11th day of May, 2018.

/s/ Ronald L. Lavigne

Ronald L. Lavigne, WSBA #18550

Senior Counsel

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